Courtroom Etiquette for the Professional Trial Attorney

The purpose of courtroom etiquette is to soften personal antagonisms and create formal boundaries and limits on behavior in order to create an orderly, disciplined, efficient and respectful environment in which legal disputes can be peacefully resolved. The following are just a few examples of the etiquette "dos and do nots" for professional trial court attorneys.

DO:

- Come to court on time (better yet, early), properly dressed, and fully prepared for business.
- Enter and exit the courtroom as noiselessly as possible.
- Require all clients and witnesses to be on time and properly dressed for court.
- Let the Court know if you will be late, and apologize for being late when you get there.
- Listen and learn as you wait for your case to be called.
- Be courteous, polite, and civil to all around you, including opposing counsel, clerks, interpreters, court deputies, and court reporters (including the unseen digital court reporters).
- When meeting opposing counsel for the first time, introduce yourself, shake hands and exchange business cards and other relevant contact information.
- Stand up completely (unless you have an injury that prevents this) and remain silent whenever the judge or jury enters or leaves the courtroom.
- Stand up straight when addressing or being addressed by the Court.
- Address the Court as "Your Honor."
- Begin submissions to the Court with "May it please the Court."
- State formally and for the record your name, the name of your client, and the complete style of the case you are appearing in.
- Spell out the complete names of people and places if there is a chance of error in the record.
- Address or refer to people by their honorific and their last name.
- Be candid with the Court.
- Use your time before the court as efficiently and effectively as you can.
- "Invite" the Court, rather than "direct" it.
- Ask for clarification of a ruling, if needed.
- When your business has been concluded, say to the Court, "This concludes my business before the Court. May I be excused?" or words to that effect.

DO NOT:

- Chew gum, tobacco, cough drops or breath mints, or have anything else in your mouth, in the courtroom.
- Wear, carry, or use anything that makes unnecessary noise.
- Hold conversations with others, tell jokes, use your cellular telephone or other electronic device, or otherwise create a distraction while waiting for your case to be called.
- Address the Court as "Judge" (this form should be reserved for social occasions), "Sir," You," or any other familiar term.
- Address or refer to anyone by his or her first name unless he or she is a minor.
- Lean on or grab the lectern.
- Put your hands in your pockets on on your hips when addressing the Court or a jury.
- Turn your back on the Court while addressing or being addressed by the Court.
- Interrupt or talk over the Court or opposing counsel.
- Let your client's feelings override your professional responsibilities.
- Do things to deliberately harass, impede, or obstruct opposing counsel.
- Attempt to introduce exhibits before they have been properly marked for identification.
- Use foul or obscene language, even as a direct quote, unless a necessary part of the evidence, without prior Court approval.
- Approach the bench or witness stand, or traverse the well, without the Court's permission.
- Make speaking objections in the presence of a jury.
- Continue to argue after the Court has ruled on a matter.
- Fail to practice bodily and facial serenity.
- Make excuses or blame others for failures that are your personal responsibility.
- Threaten the Court that it will be committing reversible error if it does not adopt your position on a matter.

Judge William H. Burgess, III (03-03-2016)

Courtroom Etiquette for the Professional Trial Judge

A judge should set the example for all others in the courtroom. He or she must be patient, dignified, and courteous to litigants, jurors, witnesses, attorneys and others with whom the judge deals in an official capacity, and must require similar conduct of attorneys, and of staff, court officials, and others subject to the judge's direction and control.

DO:

- Be punctual for all court sessions.
- Come to the courtroom fully prepared for the business of the day.
- Dress appropriately for court.
- Maintain a polite, courteous and civil demeanor at all times.
- Be considerate of the time of those who appear before you.
- Clearly and effectively communicate your expectations.
- Listen to those who appear before you and learn from what they say.
- Maintain facial and bodily serenity.
- Speak clearly and enunciate, in a voice only as loud as is necessary to be heard by those present in the courtroom.
- Announce the duration of each recess and the time of return as shown on the courtroom clock.
- Always exit the courtroom graciously.

DO NOT:

- Attempt to be humorous.
- Display anger or other strong emotion.
- Make gratuitous remarks.
- Use the word "I" instead of "the Court."
- Hold an attorney, party or witness up to public ridicule.
- Behave in a familiar manner with those who appear before you.
- Show favoritism towards any attorney or class of attorneys.
- Look at your watch or the wall clock when being addressed by an attorney or anyone else.
- Fail to practice facial and bodily serenity.
- Storm off the bench or otherwise leave the courtroom in a less-than-dignified manner.
- Make disparaging remarks about fellow judges.
- Do anything that diminishes the public's respect for the courts and our system of justice.

Judge William H. Burgess, III (03-03-2016)